

UNITED STATES COURTS
IN THE UNITED STATES DISTRICT COURT
FOR THE TEXAS DISTRICT OF TEXAS FILED
HOUSTON DIVISION AUG 24 2009

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

Clerk of Court

JAMES C. WHITE #470285

Plaintiff's name and ID Number

STILES UNIT

Place of Confinement

CASE NO: _____
(Clerk will assign the number)

v.

THE OFFICERS OF THE HOUSTON POLICE DEPARTMENT

Defendant's name and address

OFFICER FRANCISCO BRIONES AND HIS CO. WORKER

Defendant's name and address

CITY OF HOUSTON

Defendant's name and address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of **\$350.00**.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire **\$350** filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? _____ YES NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
1. Approximate date of filing lawsuit: N/A
 2. Parties to previous lawsuit:
Plaintiff(s): N/A
Defendant(s): N/A
 3. Court (If federal, name the district; if state, name the county) N/A
 4. Docket Number: N/A
 5. Name of judge to whom case was assigned: N/A
 6. Disposition: (Was the case dismissed, appealed, still pending?)
N/A
 7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: STILES UNIT

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? _____ YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name or address of plaintiff: OFFICER ERNEST HOLLOWAY
KIDNAPPER JAMES CHARLES WHITE
STILES UNIT 3060 FM 3514 BEAUMONT, TX 77705

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: HOUSTON POLICE OFFICER FRANCISCO BRIONES
AND HIS CO. WORKER / CITY OF HOUSTON

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #2: _____

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases or statutes. If you intent to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

ON MAY 30, 2008 AT THE STORE AND HORSE STABLES ON MASON AND GREEN RIVER AFTER RUNNING FROM THE OFFICERS OF THE HOUSTON POLICE DEPARTMENT I RUN IN ONE OF THE STABLES. OFFICER FRANCISCO BRIONES AND HIS CO. WORKER TOLD ME TO COME OUT ~~WITNESS~~ OF THE STABLE WITH MY HANDS UP SO THEY CAN SEE THEM. AFTER COMING OUT OF THE STABLE WITH MY HANDS UP OFFICER FRANCISCO BRIONES AND HIS CO. WORKER HANDCUFFED ME.

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

(RELIEF NUMBER 1) ON MAY 30, 2008 I DID NOT DO ANYTHING TO MAKE OFFICERS FRANCISCO BRIONES AND HIS

VII. GENERAL BACKGROUND INFORMATION: CO. WORKER SLAM ME ON THE GROUND.

- A. State, in complete form, all names you have ever used or been known by including any and all aliases:

JAMES CHARLES WHITE / J.C. WHITE

- B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

307547 - 443484 - 470285

VIII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO
- B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)
1. Court that imposed sanctions (If federal, give district and division): N/A
 2. Case Number: N/A
 3. Approximate date sanctions were imposed: N/A
 4. Have the sanctions been lifted or otherwise satisfied? YES NO

- C. Has any court ever warned or notified you that sanctions could be imposed? YES NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning were imposed: N/A

Executed on: 8-18-09
(Date)

JAMES CHARLES WHITE
(Printed Name)

James C. white
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assess by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

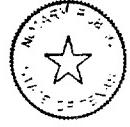
Signed this 18 day of AUGUST, 20 09.
(Day) (Month) (Year)

JAMES C. white
(Printed Name)
James C. white
(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

CGINIB02/CINIB02 TEXAS DEPARTMENT OF CRIMINAL JUSTICE 08/17/09
ST85/KAL1381 IN-FORMA-PAUPERIS DATA 08:42:05
TDCJ#: 00470285 SID#: 02659195 LOCATION: STILES INDIGENT DTE: 12/31/08
NAME: WHITE, JAMES CHARLES BEGINNING PERIOD: 08/01/09
PREVIOUS TDCJ NUMBERS:
CURRENT BAL.: 0.00 TOT HOLD AMT: 0.00 3MTH TOT DEP: 0.00
6MTH DEP: 0.00 6MTH AVG BAL: 0.00 6MTH AVG DEP: 0.00
MONTH HIGHEST BALANCE TOTAL DEPOSITS MONTH HIGHEST BALANCE TOTAL DEPOSITS
07/09 0.00 0.00 04/09 0.00 0.00
06/09 0.00 0.00 03/09 0.00 0.00
05/09 0.00 0.00 02/09 0.00 0.00
PROCESS DATE HOLD AMOUNT HOLD DESCRIPTION

STATE OF TEXAS COUNTY OF JEFFERSON
ON THIS THE 18th DAY OF AUGUST 09, I CERTIFY THAT THIS DOCUMENT IS A TRUE,
COMPLETE, AND UNALTERED COPY MADE BY ME OF INFORMATION CONTAINED IN THE
COMPUTER DATABASE REGARDING THE OFFENDER'S ACCOUNT. NP SIG:
PF1-HELP PF3-END ENTER NEXT TDCJ NUMBER: 796729 OR SID NUMBER: _____


Kenny K. Allen

Notary Public, State of Texas
My Commission Expires
04 16 2010
Notary without Bond

(PART OF JAMES C. WHITE STATEMENT)

ON THE WAY TO THE HOUSTON POLICE CAR WITH 10 OR 15 PEOPLE LOOKING I ASKED OFFICER FRANCISCO BRIONES AND HIS CO. WORKER TO LOOSEN UP ON THE HANDCUFFED. AFTER OFFICER FRANCISCO BRIONES AND HIS CO. WORKER DID NOT ANSWER ME I ASKED THEM ONE MORE TIME. AFTER TRYING TO TALK WITH 10 OR 15 PEOPLE LOOKING OFFICER FRANCISCO BRIONES AND HIS CO. WORKER SLAMMED ME ON THE GROUND. AFTER OFFICER FRANCISCO BRIONES AND HIS CO. WORKER GRABBED ME BY THE LEGS AND ARMS THE TWO OF THEM SLAMMED ME ON THE GROUND IN HANDCUFFED THEY HAD TO TAKE ME TO L.B. J. HOSPITAL IN HOUSTON, TEXAS.

AFTER GOING TO L.B. J. HOSPITAL I HAD TO GET 5 STITCHES IN MY EAR AND HAD TO GO BACK TO L.B. J. 4 OR 5 MORE TIMES FOR A BROKEN JAW.

ON MAY 30, 2008 I DID NOT DO ANY OF THE FOLLOWING TO MAKE OFFICER FRANCISCO BRIONES AND HIS CO. WORKER SLAM ME ON THE GROUND.

- (1) I DID NOT WALK AWAY FROM OFFICERS.
- (2) I DID NOT ATTEMPTED ESCAPE AFTER OFFICERS HANDCUFFED ME.
- (3) I DID NOT FIGHT OR ASSAULT OFFICERS.
- (4) I DID NOT EXPOURE BODY FLUIDS ON OFFICERS.
- (5) I DID NOT THREATENING TO INFILCT HARM, PHYSICAL OR OTHERWISE ON AN OFFICER OF THE HOUSTON POLICE DEPARTMENT.

ON MAY 30, 2008 AFTER COMING FROM L.B. J. HOSPITAL I WAS TAKEN TO THE HOUSTON CITY JAIL

AND WAS CHARGED FOR EVADING ARREST, FAIL TO ID AND ASSAULT.

- (1) ON 6-2-08 IN THE COUNTY CRIMINAL COURT AT LAW NO. 001 HARRIS COUNTY, TEXAS CASE NO. 152927001010 FAIL TO ID WAS DISMISSED.
- (2) ON 6-2-08 IN THE COUNTY CRIMINAL COURT AT LAW NO. 001 HARRIS COUNTY, TEXAS CASE NO. 152926901010 I WAS GIVEN 30 DAYS JAIL TIME FOR EVADING ARREST.
- (3) ON 8-18-08 IN THE COUNTY CRIMINAL COURT AT LAW NO. 001 HARRIS COUNTY, TEXAS CASE NO. 152931501010 ASSAULT WAS DISMISSED.

ON MAY 30, 2008 I DID NOT DO ANYTHING TO MAKE THE OFFICERS OF THE HOUSTON POLICE DEPARTMENT SLAM ME ON THE GROUND. I HAD BEEN HANDCUFFED BY OFFICER FRANCISCO BRIONES AND HIS CO. WORKER AND WAS AT THE BACK DOOR OF THE HOUSTON POLICE CAR. I HAVE ALSO WROTE STATEMENT AFTER STATEMENT TRYING TO GET THE OFFICERS OF THE HOUSTON POLICE DEPARTMENT CHARGED WITH AGGRAVATED ASSAULT.

ON 3-13-09 I HAD GOT SOME PAPER WORK FROM THE F.B.I. OFFICE IN HOUSTON, TEXAS.

I HAD SENT THEM BACK SO THEY CAN GET MY MEDICAL RECORDED FROM L.B.J. HOSPITAL IN HOUSTON, TEXAS. UP TO THIS DATE I HAVE NOT GOT AN ANSWER BACK FROM THE F.B.I. OFFICE IN HOUSTON, TEXAS.

'THE PEOPLE THAT WAS LOOKING AT THE OFFICERS SLAM ME ON THE GROUND THEY BE AT THE STORE AND HORSE STABLES FIVE DAYS OR SOMETIME ALL WEEK. I ASK THAT THE UNITE STATES DISTRICT COURT WILL PLEASE FILE MY COMPLAINT AND I ASK THAT YOU WILL HAVE THE F.B.I, GO TALK TO THE ~~RECORDED~~ PEOPLE AT THE STORE AND HORSE STABLES ON MASON AND GREEN RIVER IN HOUSTON, TEXAS.

(RELIEF NUMBER 2) I ASK THAT THE UNITE STATES DISTRICT COURT HAVE THE OFFICERS OF THE HOUSTON POLICE DEPARTMENT OR THE HOUSTON POLICE DEPARTMENT OR THE CITY OF HOUSTON PAY FOR MY MEDICAL SERVICES AT L.B.J. HOSPITAL IN HOUSTON, TEXAS.

THE MEDICAL PAYMENT AMOUNT DUE IS \$ 21269.25

(RELIEF NUMBER 3) I WILL LIKE TO BE AWARDED \$ 250,000 FOR MY PAIN AND SUFFERING AT THE HANDS OF HOUSTON POLICE OFFICERS.

FROM: JAMES CHARLES WHITE #4170285
STILES UNIT 4-12-45
3060 FM 3514
BEAUMONT, TEXAS 77702



AUG 20
2009

JG
2009

TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
501 RUSK ST
HOUSTON, TEXAS 77002

United States District Court
Southern District of Texas
RECEIVED

AUG 24 2009

Clerk of Court: